

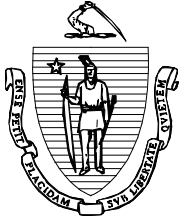
# **Massachusetts Commission on Indian Affairs**

## **2002 Annual Report**

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Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT  
COMMISSION ON INDIAN AFFAIRS**

Mitt Romney, Governor ♦ Kerry Healey, Lt. Governor  
Jane Wallis Gumble, Director, DHCD ♦ John Peters, Jr. Executive Director

November 10, 2003

Dear Governor Romney:

On behalf of the Massachusetts Commission on Indian Affairs, I am pleased to present the Commission's Annual Report for 2002. This report provides some of the highlights of the Commission's programs, work in progress, and other activities during the year.

This past year we continued our efforts on being responsive to the issues and concerns of the American Indian population of the Commonwealth. In doing so, the Commission continued its role as mediator between competing Native groups and, at times, Native groups and departments of the Commonwealth.

This office continued its participation in projects such as the Boston Harbor Islands Partnership, Deer Island Memorial, Native Graves, Indian Religious Freedom; Socio-economic development projects, cultural ceremonies, and various educational initiatives.

We look forward to working with your administration as we strive to fulfill our legislative mandate and assist the Native population for the Commonwealth.

Respectfully submitted,

John A. Peters Jr.  
Executive Director

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## *Year 2002 Commissioners*

***Maurice L. Foxx***, Chairperson, is a member of the Mashpee Wampanoag Tribe. After



serving in the U. S. Marine Corp during the Vietnam War, he earned a degree in Mechanical Engineering at Northeastern University. After 25 years, he retired this year from Fanueil Hall Marketplace in Boston as the Director of Technical Services. He became a member of the Commission on Indian Affairs in 1995 and currently serves as Chairman. He is also Director of the Mashpee Wampanoag Tribal Museum where he was

instrumental in persuading the Town of Mashpee to turn over certain lands to the tribe. In addition, Maurice sits on a number of boards and committees including the Advisory Council for Plimoth Plantation's Wampanoag Indian Program, the Pilgrim Society Advisory Board, and the Mashpee Wampanoag Powwow committee. A few years ago, he collaborated with Children's Museum in Boston on the development of their Wampanoag website.

***Janice Poodry Falcone*** grew up on the Tonawanda Seneca Reservation in upstate New



York. She has lived in Massachusetts for 40 years and has worked at the North American Indian Center of Boston and the Boston Indian Council for 27 years. A former public school teacher, Janice taught electronics courses at the Indian Center before becoming the Director of Employment and Training. Her goal has always been to assist Indian people to a better life for themselves and their families.

Although her father was a Sachem chief of the Seneca Nation for 40 years, Janice is a member of her mother's Onondaga Nation turtle clan. Janice was appointed to the Commission on Indian Affairs in March of 1995. She continues to advocate for education and training opportunities for Native youth and adults.

Janice's most recent involvement has included being appointed to the National Native American Employment and Training Council for the U.S. Department of Labor. She currently is a member of the council's workgroups advocating on a National level to encourage opportunities for the advancement of Indian communities. A mother and grandmother Janice has had the honor and privilege of working with and for the Indian community for many years. She continues to enjoy the accomplishments of many Indian people.

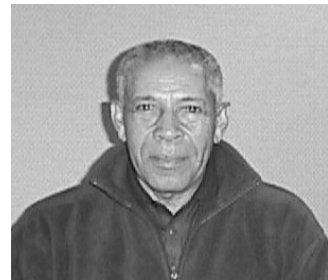
***Cheryll L. Holley*** is a Nipmuc from Worcester, MA. She became a member of the



Commission on Indian Affairs in October of 1998. She attended Howard University in Washington, DC and served in the U.S. Army Medical Corp for several years. She holds a BA in History. The mother of three school-age daughters, she is currently a dialysis nurse at UMass Memorial Hospital in Worcester. She is a founding member and current Project Director of the Nipmuc Indian Development Corporation, a non-profit agency dedicated to increasing self-sufficiency in Native people both as a whole and as

individuals. She serves on different committees for the Nipmuc Nation including chair of the Genealogy Committee.

**Carol J. Mills** is a member of the Ojibway Tribe and was appointed to the Commission on Indian Affairs in October 2000. She has been involved with Indian education issues for over 20 years. Carol holds a Masters Degree in Early Childhood Education from Wheelock College. Her consulting for Indian Head Start programs took her all over Indian country. She has worked in the Boston Indian community for over 10 years and has lived in the Mashpee Wampanoag community for over 20 years. Recent involvements has been developing cultural public programming for institutions like The New England Aquarium, The Children's Museum, and various schools and libraries. She has been a supporter of Native political issues throughout Indian country. In her free time she enjoys dancing at pow-wows with her family. Presently she is working for Cape Cod Child Development, serving children and families with developmental delays.



**Dr. Herbert R. Waters, Jr.**, was appointed to the Commission on Indian Affairs on March 24, 1995. A member of the Wampanoag community, he is a life-long resident of the New Bedford-Dartmouth area. He graduated from Providence College and immediately entered the U.S. Marine Corps as a Second Lieutenant. After serving in the USMC, he accepted a teaching position in Dartmouth and then transferred to the New Bedford School Department where he taught for thirty-seven years. For twenty-two of those years, he was the principal of Sgt. Wm. H. Carney Academy, an institution that was known statewide as an outstanding place of learning with emphasis on multi-cultural education and progressive/innovative methods and techniques for learning. Commissioner Waters has been involved in Indian Affairs for his entire adult life encompassing curriculum development, assisting Slow Turtle and Drifting Goose during the 70's reorganizing effort, and the social/political struggles of Indian people. He is married and has five children, all of whom are college graduates and have served the country in the U.S. Marine Corps and the U.S. Army.



**Beverly Wright** was appointed to the Commission in October 2000. As Chief Elected Official and Chairperson of an eleven member Tribal Council, Ms. Wright maintains the integrity and goals of the Wampanoag Tribe of Gay Head/Aquinnah. She has been Chairperson for ten years and was re-elected to a fourth term in June 1999. Before being elected Chairperson, she served the Tribe for twelve years as a Council member, including a term as Treasurer. She has also been a Director of the Title IX Indian Program and was one of the founding committee members of the Aquinnah Wampanoag Housing Authority.

Ms. Wright has been vice-President for 6 years and currently serving a third term as Secretary of USET (United South & Eastern Tribes). She is a member of the NCAI (National Congress of American Indians), and a member of the Female Tribal Leaders Association. Ms. Wright is currently serving as a representative of USET to the Indian Health Tribal Self Governance Advisory Board, the National Budget Advisory Board and the Bureau of Indian Affairs/Tribal Budget Advisory Council. She

is also a Board member of the international Advisory Council for the Native Nations Institute in Leadership, Management and Policy in Arizona.

*(1) Vacancy - Western Mass.*

## *Staff*

### *John "Jim" Peters, Jr., Executive Director*

Hired in May 2000, Jim has had several years to settle into his new position as the Executive Director of the Commission. Prior to joining the Commission, Jim held a number of positions with New England Tribes, the most recent, a Career Development Counselor with the Mashantucket Pequot Tribe of Connecticut. He was the Executive Director for his own tribe, the Mashpee Wampanoag Indian Tribe on Cape Cod, and held the position of Tribal Planner and Tribal Programs Administrator for the Narragansett Tribe in Rhode Island. He also served as the Town Planner for the Town of North Kingstown in Rhode Island.

Jim earned a Bachelors Degree in Business Administration and a Masters Degree in City Planning. Aside from his employment and educational background, he has participated in many cultural, social, and historic Native American events that have taken place in Southern New England over the past 30 years.

### *Burne Stanley, Part-Time Administrative Assistant*

Associated with the Commission since 1979, Burne has become a valuable asset to the office. Having worked in several capacities, she has a vast knowledge of the Commission and its operation. Her positions with the Commission have ranged from full-time employee, to a volunteer, to a contract employee. She is now on-board as a part-time Administrative Assistant.....a position she has held since January 2001. Through her long association with the Commission, Burne has come to know and work with most of the tribes in the state and has developed valuable relationships with them.

Although her employment experience has been in Business Administration and in Accounting, Burne's educational background is in Communications, a field she majored in at Emerson College in Boston.

For over two and a half decades, Burne has attended and been involved with many of the social and cultural events in and around Massachusetts. This is her way of embracing and celebrating her Pequot/Mohegan ancestry. Native American cultural activities continue to be a major part of her and her daughters' lives.

## *Purpose and Responsibilities*

The Commission is charged with investigating problems that are common to Native Americans who are residents of the Commonwealth. It is further charged with assisting tribal councils, Native American organizations, and individuals in their relationship with agencies of state and local government. It assists with social services, education, employment opportunities, health, housing problems, civil rights, legal aid, treaties, taking of a census of Native American residents, and any other rights or services concerning Native American residents of the Commonwealth. In addition, it provides for the burial expenses for the remains of any person whose previously unknown grave has been disturbed, forcing its relocation, and whose identity has been determined by the state archaeologist to be that of an American Indian.

## *Accomplishments & Work In Progress*

### *Mizzenmast Burial Site*

It has been nearly 3 years (August of 1999) since a heavy equipment operator uncovered the unmarked burial site of the Rosanna Jonas family in South Mashpee, MA. Under the expert guidance of Leonard Loparto of the State Archeologist office and Jim Peters of the Commission on Indian Affairs this 15,000 sq. ft. lot was carefully excavated identifying 17 grave shafts.

On May 28, 2002 the Trust for Public Land, an internationally renowned land preservation organization, in conjunction with resources from the Department of Environmental Management and the Secretary of the Commonwealth, acquired the parcel located at 17 Mizzenmast Road. The parcel, carrying both preservation and conservation restrictions, was appropriately transferred to the Mashpee Wampanoag Tribe for protection into perpetuity

The transaction brought welcomed closure to a difficult philosophical conflict that pitted cultural morality against modern jurisprudence relative to personal property rights. The scenario challenged our interpretation of the Massachusetts Unmarked Burial Law placing before a Judge to decide whether all prudent and feasible alternatives had been exhausted, which could have ultimately resulted in exhuming 17 ancestors from their final resting place, such that an upscale seasonal dwelling could be built on that site.

On Tuesday, July 16, 2002 a ceremony was conducted by members of the Mashpee Wampanoag Tribe at the Burial Site in Mashpee. Robert Duran, Secretary of Massachusetts Environmental Affairs; Peter Webber, Commissioner of Environmental Management; Brona Simon, State Archaeologist, Mass. Historic Commission; Valerie Talmage of the Trust for Public Land, Steven Berish Family, former property owner; members of the Neighborhood; Descendents of those buried, and a number of other dignitaries who helped make this acquisition possible, participated in this celebration.

The descendants of Rosanna Jonas and the Mashpee Tribe are very grateful for all those caring souls who made this encounter into a happy ending. They extend their utmost regard to the following: Valerie Talmage, Christie Anderberg of the Trust for Public Land; Francis Galvin, Secretary of the Commonwealth; Robert Duran, Secretary of Environmental Protection; Brona Simon, State Archeologist with Leonard Lopardo, Eric Johnson of her staff; Frances Gould, Esq.; Commissioner Peter Webber, DEM; David McGowan; Joan Robes, Division of Conservation Services, EOE; Peter Wechsler, Assistant Attorney General; Fain Gildea, Attorney for Little Neck Bay Homeowners Association; James Vaccaro, Pres. LNBHOA; Joel Learner, EOE; Jennifer Soper, Div. Conservation Services; Rep. Matt Patrick, Rep. Eric Turkington, Rep. Nancy Caffyn, and a number of others who are equally deserving. We thank you.

### *Deer Island Memorial*

The Massachusetts Water Resource Authority, quasi-government owner and operator of the Deer Island waste water treatment facility that services the Metropolitan Boston area, has committed to commemorate the historic plight of two groups. They are the Native American and the Irish. Both have extraordinary histories on this Island. A grant was received from the Edward Ingersoll Browne Fund to assist with the planning phase of the memorial project.

When the European colonizers came to these shores in the 1600's, they were of the belief that if a people were not Christians they were not human and taking their possessions was a God given right. As result of fifty years of Colonial expansion and Native displacement from their aboriginal homelands, cultural relationships were challenged to say the least. By 1675 incidental skirmishes had evolved into what was called the King Philips War during which time a number of colonial towns were burnt to the ground. Also, over the 50 years of interaction, there were a number of Native communities that had converted to Christianity and were friendly with the Colonist. As the attacks on colonial towns increased during the war, so did the intolerance for Native people. Consequently, the Praying Indians as they were called, were rounded up, chained and forcibly marched to Deer Island where they remained imprisoned for the winter without adequate shelter or food. Many died on that island and those that survived were confined to their Plantations namely Natick, Hassanamisco, Chaubunagungamaugg, and Punkapoag.

Some of today's Committee members descend from those that survived and they are: Chairperson Mildred McCowan, Natick/Nipmuc; Gil Solomon, Punkapoag; Chris. Montgomery, Hassanamisco/Nipmuc; Edith Andrews, Aquinnah Wampanoag; Arthur Selden, Natick/Nipmuc; Sam Sapiel, Penobscot; Rosita Andrews, Natick Praying Indian; Ex-officio John "Jim" Peters, MA Commission on Indian Affairs; and Gary McCann, Assistant to Sam Sapiel. Professional assistance to the project is provided by Ricardo Barreto, Director of Urban Arts and Christina Lanzl, Project Coordinator both from Massachusetts College of Art.

The Committee made a commitment to meet at least on a monthly basis over the course of the year, with the objectives of selecting a site, developing a Request for Proposal (RFP), advertise, interview and selection of an artist to create the memorial.



In December 2002 the Committee selected Lloyd Gray of the Onondaga Nation, currently residing in Worcester, to create the memorial. Forums will be held in early 2003 to view his conceptual drawing and give interested citizens an opportunity to offer their ideas.

### **Higher Education Program** - College of Public and Community Service

The Commission has always regarded higher educational opportunity as a priority for the Native population. For the past 20 years Native residents of Massachusetts have been eligible to receive a tuition waiver to attend State universities and colleges. We are very thankful for the opportunities that this program has provided for hundreds of our people.

Over the past few years there has been tremendous anticipation of the Mashpee and Nipmuc Tribes joining the Aquinnah by becoming federally recognized and with such status the potential for tremendous new opportunities, and responsibility.

During the 2002 year, Commission staff and alumnus of the University of Mass Boston-College of Public and Community Service (CPCS) shared concerns of the impending responsibilities of federal recognition and discussed opportunities that could be developed through this University division that could be of assistance to these communities. An initial forum titled: Nation Building, under the guise of "Increasing Native American Access to Higher Education" was planned and held on the UMass Boston Campus. Tribal leadership, influential Native figures, and Native citizens were invited to share their visions of Tribal community development and discuss the educational needs of their communities.

While there was a range of discussion about Nation-building, an underlying realization was the need for more tribal members to attain degrees. Emphasis was directed more at the mid-aged working person with life experience rather than those just out of high school.

CPCS was viewed as an appropriate facilitator because the format of this educational division utilizes a combination of distance learning over the internet along with group and/or individual meetings as needed by the student to fulfill the competencies deemed required for their degree. A concept paper was developed and a test group in Mashpee was formed to represent the first class. Six people began classes around the central theme of "Native Community Development. The Health and Education Initiative". Class began in September of 2002 where each student was interviewed to assess their formal educational attainment, work history and life experiences. Considering the curriculum of established Community Development Programs of the University, credit was granted for educational attainment and competencies to be attained were negotiated, with the balance of academic requirements to be accomplished through online class work. A number of support forums were held such as writing, basic statistical analysis, and group discussions on the overall topic. A meeting was also held at the Aquinnah Tribal Council in October of 2002 to initiate a similar offering on Martha's Vineyard Island. It is anticipated that classes will begin on the island in September of 2003. The Nipmuc Tribes were also approached about this opportunity. However, at that time their energies were concentrated on their

federal recognition petition. They will be approached at a future date, as will the North American Indian Center of Boston.

Another field that is equally important to the Native People has been the health industry. We have found that a significant number of Native People work in the health field and through consultation with the Mashpee Wampanoag Employment and Training Program we have identified a number of program participants taking classes toward degrees. However, many are in situations such that they can only take one class at a time and the likelihood of attaining a degree could take up to a decade. As a pilot, an agreement was reached between the Mashpee Wampanoag Tribal Council, University of Massachusetts Boston CPCS Program, the Cape Cod Health Care (Cape Cod and Falmouth Hospitals), and Cape Cod Community College. The purpose of this partnership is to provide academic requirements, practical experience, job placement and community outreach and support, all to enhance the Tribes capacity in this important field.

We look forward to the anticipated success of these programs.

#### **North American Indian Center of Boston (NAICOB) – Building status**

This Boston Indian Urban Center has been residing at 105 South Huntington Avenue in Jamaica Plain for over 30 years. This State-owned building was formerly a Division of Youth Services detention center and is currently in need of significant renovation.

The organization, confronted with the need to replace a vintage 1909 furnace, sought financing to make the improvement but was unsuccessful because of the ownership status of the building. During the fiscal year 2001, the Commission on Indian affairs supported legislation to the Commonwealth that would transfer property title to NAICOB. Consequently, once the bill went public we learned that the property was put into surplus a number of years ago and that the Division of Capital Asset Management (DCAM), the trustees of the property, may not have known that NAICOB was still using the building.

An appraisal of the property was conducted by DCAM, then an assessment was contracted out to a real estate firm to determine the value and highest and best use of the property. Two acres on South Huntington Ave., a Green line Trolley stop at the front door and frontage on Route 1, across from the Fenway, equates to a very valuable piece of property. Housing or office space was determined to be the highest and best use for the property.

The initial discussion was that the building is old and architecturally obsolete, that the most effective path would be to raise the building and start over with the whole parcel incorporated in the design. The plan was to put out a Request For Proposal (RFP) to prospective developers with one of the stipulations to accommodate the space requirements of NAICOB. The next meeting brought discussion of relocating NAICOB with the developer being responsible to find and carry a home for them for 10 to 15 years. The current proposal is for 5 years. The NAICOB team, of which the Commission participates, and the DCAM staff, have continued to meet in efforts to frame an acceptable proposal.

This project was on the July 23, 2002 DCAM Board of Directors agenda of which a sizeable audience of the NAICOB community attended. The prevailing message expressed to the Board was their displeasure of being displaced again - a historic trait continuously imposed upon the indigenous people by the conquest of America.

The Board tabled their decision and directed the DCAM staff to work with NAICOB to resolve their concerns. Those discussions are currently on-going and will undoubtedly continue into 2003.

### **Federal Recognition status of Massachusetts Tribes**

The Hassanamisco and Chaubunagungamaugg Tribes of the Nipmuc Nation have been under active consideration with the Bureau of Indian Affairs' Acknowledgement Branch since 1995.

On January 19, 2001, the last day of the Clinton Administration, the Bureau of Indian Affairs recognized the Hassanamisco as a Federal Tribe and listed a number of deficiencies that the Chaubunagungamaugg would have to address to be granted similar status. Within 30 days, the Bush Administration placed that decision on hold and on October 1<sup>st</sup> 2001 rescinded the Acknowledgement decision. Both Bands of the Nation have responded to the deficiencies cited by the BIA and are currently awaiting their determination. There was speculation that the Bureau would recommend a merger of the Tribal Bands as was the recommendation for the two Connecticut Tribes...the Eastern Pequot and the Paucatuck Eastern Pequot Tribe. However, given the complexity associated with such a request, certainly a perceived infringement on Tribal sovereignty, it is unlikely that the BIA will venture there again. Given the limited resources that the BIA/BAR contend that they are subject too, it is unclear how long it will take before they provide another determination for the Tribes.

The Mashpee Wampanoag Tribe who is 3<sup>rd</sup> on the ready for active list expressed their impatience by suing the BAR/BIA for not processing their petition in a timely manner. They have been on the ready for active list since February of 1996. The BAR/BIA moved three tribes ahead of the Mashpee's each with their own unique justification. The First Circuit court found in the Mashpee's favor and ordered the BAR/BIA to issue a preliminary decision in six months and a final decision within 6 month of that decision. The Department of Justice, on behalf of the BIA, filed an appeal and the process for Mashpee has been halted until the Appellate Court can render a ruling.

### **Indian Religious Freedom in Prisons**

In May of 2001, the Commission on Indian Affairs filed an Amicus brief with the Massachusetts Appeals Court as an informational addendum to the case: Randall Shield Wolf Trapp vs. Lawrence Dubois. This case asserts the rights of inmates to conduct traditional ceremonies under the Indian Freedom of Religion Act at the Massachusetts Correctional Institute in Gardner, MA.

The American Indian inmates and others were stopped from conducting Sweat Lodge Ceremonies on prison grounds. The correctional officers contended that they could not see the inmates in the lodge therefore preventing them from performing their duty. The courts found in the correctional officer's favor.

The purpose of the Amicus Brief was to provide the court with additional information with regard to the Sweat Lodge Ceremony. This ceremony is of ancient origin of which it is believed through prayer and meditation one can journey back to the womb and contemplate changes in ones life cycle. Documentation was provided on how the ceremony and culturally oriented teachings has helped inmates in other institutions cope with incarceration and how it has contributed to their rehabilitation.

A hearing was held on Oct. 21, 2002 in Worcester Superior Court. The presiding Judge did not rule on the case because he felt that the parties should take the time to try and resolve their anxiety with amenable solution that both the Native people and the Department of Corrections could work with.

A month and a half later, a meeting was held among John Marshall and James Bender of the Department of Corrections; Jim Peters, Mass Commission on Indian Affairs; Attorneys Peter d'Errico and Bob Doyle; and Ramona Peters, Mashpee Chief's Council. They talked of what is entailed to conduct a sweat lodge, with specifics for an Institutional environment. A lot of details were laid out for the DOC to consider. Over a two-month period a package of information was compiled for the Commissioner of Corrections to consider in his decision whether to allow sweat lodge ceremonies within Massachusetts Institutions. If approved three Institutions will initially be involved, one of which would be for women.

The Native community was asked to identify individuals from the outside who would volunteer their services to lead the sweat lodge ceremonies on a scheduled basis.

### *Wattuppa and Betty's Neck Land Claims*

The land claim suit was heard on January 25, 2002 for the recovery of two historic Native reservations ceded by the City of Fall River in the early 1900's. The court denied the lineal descendents an opportunity to intervene and proceeded with the case. The Seaconke Tribe and the Greene faction were present - the tribe denying their involvement in the suit, and Greene faction asserting their right to sue. Chief Justice Peter Kilborn ruled on June 11, 2002 that the Plaintiff (Attorney Albert Corliss who filed on behalf of the Seaconke) had and has no standing to represent the Seaconke Tribe in the two actions and both complaints were dismissed. There had been discussion that the descendents would pursue this case. However, as of this writing such a case has not been filed.

### *Native American Tuition Waivers*

The Native American Tuition Waiver is a benefit for Native American students who plan to enroll or are attending Massachusetts state colleges and universities. Through the guidelines set forth by the Board of Higher Education, the Commission is authorized to certify that individuals are of Native American descent and eligible to receive the waiver.

We try to keep the process fairly simple for the students therefore we ask only that they fill out a one-page form and submit the required documents. Such documents include proof of acceptance to the college, proof of tribal membership, and proof of Massachusetts residency. Before the beginning of each semester, the Commission

sends a letter to the respective colleges and universities with the names of students who have been certified (by the Commission) as being Native American.

We have found that more and more students are taking advantage of the tuition waiver for the summer sessions. While not all of the colleges accept it for the summer, we have found that a number of them that do. Some of them include Bridgewater State College; Bristol Community College; Bunker Hill Community College; Framingham State College; Holyoke Community College; North Shore Community College; U Mass/Boston; U Mass/Dartmouth; and Worcester State College. For a complete list of community colleges, state colleges, and the university campuses, please call 617-727-6394.

We are happy to report that this year 162 Native American students benefited from this program.

### **Communication Towers**

With respect of a National Environmental Policy Act (NEPA) screen of projects required by the Federal Communications Commission, the Commission on Indian Affairs receives preliminary project plans to review projects for every new personal communications system antenna or tower sites. The Commission reviews the plans and comments on any potential impact the project may have to Native American cultural resources and sacred sites in Mass. During the course of the year, 83 proposed tower plans were reviewed.

### **Budget**

During the final stages of budget cuts in September, the line item for the Commission was cut out of the state budget. What this meant was MCIA no longer had its own funds to operate the office and pay the staff. We were fortunate that the Department of Housing and Community Development (DHCD) absorbed the expenses for the remainder of the fiscal year.